



**COUNTY OF LOS ANGELES
WORKFORCE DEVELOPMENT, AGING AND
COMMUNITY SERVICES
INVITATION FOR BIDS (IFB)
HEALTH INSURANCE COUNSELING AND ADVOCACY
PROGRAM (HICAP) SERVICES**

AAA-HICAP-1920 IFB

FEBRUARY 28, 2019

Mandatory Bidders' Conference: Thursday, March 7, 2019 at 10:30 a.m. PT
Final Bid Due Date and Time: Tuesday, March 19, 2019 at 12:00 p.m. PT

TABLE OF CONTENTS

PARAGRAPH	PAGE
1.0 GENERAL INFORMATION	1
1.1 Purpose	1
1.2 Overview of This Solicitation Document.....	5
1.3 Terms and Definitions	6
1.4 Bidder's Minimum Requirements	7
1.5 County's Rights and Responsibilities	8
1.6 Subaward Term	8
1.7 Subaward Rates	8
1.8 Days of Operation	9
1.9 Contact with County Personnel.....	9
1.10 Final Subaward Award by the Board of Supervisors	10
1.11 Mandatory Requirement to Register on County's WebVen.....	10
1.12 County Option to Reject Bids.....	10
1.13 Protest Process	10
1.14 Notice to Bidders Regarding the Public Records Act	11
1.15 Indemnification and Insurance	12
1.16 Intentionally Omitted	12
1.17 Injury and Illness Prevention Program	12
1.18 Background and Security Investigations	13
1.19 Confidentiality and Independent Contractor Status.....	13
1.20 Conflict of Interest	13
1.21 Determination of Bidder Responsibility	13
1.22 Bidder Debarment.....	14
1.23 Bidder's Adherence to County Child Support Compliance Program	16
1.24 Gratuities	16
1.25 Notice to Bidders Regarding the County Lobbyist Ordinance	17
1.26 Federal Earned Income Credit.....	18
1.27 Consideration of GAIN/GROW Participants for Employment.....	18
1.28 County's Quality Assurance Plan.....	18

TABLE OF CONTENTS

PARAGRAPH	PAGE
1.29 Recycled Bond Paper	19
1.30 Safely Surrendered Baby Law	19
1.31 County Policy on Doing Business with Small Business	19
1.32 Jury Service Program	20
1.33 Local Small Business Enterprise Preference Program	21
1.34 Local Small Business Enterprise Prompt Payment Program	22
1.35 Notification to County of Pending Acquisitions/Mergers by Bidding	22
1.36 Social Enterprise Preference Program.....	22
1.37 Business Associate Agreement Under the Health Insurance Portability and Accountability Act of 1996.....	23
1.38 Bidder's Charitable Contributions Compliance.....	23
1.39 Defaulted Property Tax Reduction Program	24
1.40 Disabled Veteran Business Enterprise Preference Program	25
1.41 Time Off for Voting.....	26
1.42 Bidder's Acknowledgement of County's Commitment to Zero Tolerance Policy on Human Trafficking.....	26
1.43 Intentionally Omitted	26
1.44 Default Method of Payment: Direct Deposit or Electronic Funds Transfer	26
1.45 Bidder's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices.....	27
1.46 Bidder's Data Universal Numbering System Number	27
1.47 Subaward Requirements for Payment and Performance Guaranties	28
2.0 INSTRUCTIONS TO BIDDER	29
2.1 Key Dates and Instructions	29
2.2 County Responsibility	29
2.3 Truth and Accuracy of Representations.....	29
2.4 IFB Timetable	29
2.5 Solicitation Requirements Review	30
2.6 Bidder's Questions.....	31
2.7 Mandatory Bidders' Conference	32

TABLE OF CONTENTS

PARAGRAPH	PAGE
2.8 Notice of Intent to Submit Bid	34
2.9 Preparation of the Bid	34
2.10 Bid Format	36
2.11 Bid Submission	49
2.12 Firm Offer/Withdrawal of Bid	50
3.0 BID REVIEW AND SELECTION PROCESS	50
3.1 Review of Lowest Cost Bid	50
3.2 Review of Minimum Requirements (Pass/Fail Review)	51
3.3 Review of Bidder's Qualifications	52
3.4 Review of Required Forms	52
3.5 Review of Proof of Insurability	52
3.6 Review of Proof of Licenses	52
3.7 Review of Financial Capability	52
3.8 Composition of Bid Review Team/Committee	52
3.9 Clarification of Bid Elements	53
3.10 Disqualification Review	53
3.11 Proposed Contractor Selection Review	54
3.12 County Independent Review	55

TABLE OF CONTENTS

APPENDICES

- A Sample Subaward:** A sample of the agreement/contract to be executed between County and Subrecipient. It sets forth the terms and conditions for the issuance and performance of all tasks, deliverables, Services and other work identified in the Statement of Work.
- B Statement of Work:** Explains in detail the required Services that County is seeking in its solicitation and it represents the Services to be performed by Subrecipient upon commencement of Subaward.
- C Statement of Work Exhibits:** Attachments to the Statement of Work which form a part of the Statement of Work.
- D Required Forms and Documentation:** Forms (that must be completed) and organizational documents that must be submitted with the bid.
- E Invitation for Bids Transmittal to Request a Solicitation Requirements Review:** Transmittal sent to County requesting a Solicitation Requirements Review.
- F County of Los Angeles Policy on Doing Business with Small Business:** County of Los Angeles policy.
- G Jury Service Ordinance:** Los Angeles County Code Chapter 2.203 (Contractor Employee Jury Service).
- H Listing of Contractors Debarred in Los Angeles County:** A list of contractors who are not allowed to contract with County of Los Angeles for a specific length of time.
- I Internal Revenue Service Notice 1015:** Provides an overview of the Federal Earned Income Credit.
- J Safely Surrendered Baby Law:** County of Los Angeles program.
- K Background and Resources - California Charities Regulation:** An information sheet intended to assist nonprofit agencies with compliance with Senate Bill 1262 (Nonprofit Integrity Act of 2004) and identify available resources.
- L Defaulted Property Tax Reduction Program:** Los Angeles County Code Chapter 2.206 (Defaulted Property Tax Reduction Program).
- M Notice of Intent to Submit Bid:** Form to be completed by potential Bidder (who may be interested in submitting a bid) and submitted to County by the date indicated in the solicitation.

{End of Appendices}

1.0 GENERAL INFORMATION

1.1 Purpose

1.1.1 Invitation for Bids for Health Insurance Counseling and Advocacy Program Services

1.1.1.1 County of Los Angeles through its department of Workforce Development, Aging and Community Services (County or WDACS) seeks to partner with a qualified organization to provide all of the Health Insurance Counseling and Advocacy Program (HICAP) Services identified in Appendix B (Statement of Work) throughout Los Angeles County (Supervisory Districts 1, 2, 3, 4, and 5), excluding the City of Los Angeles. As such, County is issuing this Invitation for Bids (IFB) to solicit responses (bids) from qualified organizations (Bidders) that can provide these Services in accordance with all applicable Federal, State, and local laws, regulations, and guidance.

1.1.2 Introduction

1.1.2.1 County of Los Angeles Workforce Development, Aging and Community Services

1.1.2.1.1 County is committed to providing services which have positive impacts on the lives of the citizens of Los Angeles County and these services are delivered through a broad spectrum of WDACS Programs. To this end, WDACS investigates claims of the abuse of senior and disabled populations and provides emergency shelter beds to these victims of abuse and neglect through its Adult Protective Services Program. WDACS provides employment and training services to adults and youth and works with employers in times of hiring and downsizing through its Workforce Innovations and Opportunity Act Programs. WDACS offers mediation services to avoid court filings through its Dispute Resolution Program. WDACS provides supportive services for a wide range of issues and activities impacting people of American Indian ancestry

through its Community Services American Indian Block Grant Program. WDACS seeks to improve human relations by developing and strengthening delivery systems of technical assistance and resources Countywide through its Human Relations Commission. And, WDACS provides nutrition, supportive and other life-enhancing services to seniors/older individuals through its Area Agency on Aging Programs.

1.1.2.2 County of Los Angeles Area Agency on Aging

1.1.2.2.1 The Older Americans Act of 1965 (OAA) authorizes the State of California through its California Department of Aging (CDA or State) to divide the State of California into distinct planning and service areas in order to engage in the planning and provision of a broad range of supportive services, nutrition services, adult protective services, and long-term care services within such planning and service areas. As such, the geographic boundaries of Los Angeles County (excluding the City of Los Angeles) have been designated by the State as Planning and Service Area 19 (PSA 19). The OAA also authorizes the State to designate local area agencies on aging to help carry out the objectives of the OAA within each PSA. As such, in 1975, CDA established County of Los Angeles through its department of Workforce Development, Aging and Community Services as an Area Agency on Aging (AAA) for PSA 19.

1.1.2.2.2 WDACS carries out its mission to provide services through our AAA Programs to serve residents within the geographical boundaries of Los Angeles County (excluding the City of Los Angeles) by identifying the unmet needs of older adults and functionally-impaired adults in PSA 19 as well as planning, coordinating,

and implementing programs that promote the health, dignity, and well-being of this population. The mission of County of Los Angeles AAA is to stimulate progress towards the creation of a home and community-based long-term care system that maximizes consumer independence and dignity and is responsive and accessible to Los Angeles County's diverse population of older adults, functionally-impaired adults, and their families.

1.1.3 Overview of Program Services

1.1.3.1 As part of the AAA Programs, County uses funds designated for HICAP for the primary purposes of providing personalized counseling, community education and outreach events for Clients. HICAP is part of a network of State Health Insurance and Assistance Programs (SHIP). SHIP is a Federal grant program created under Section 4360 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 (Public Law 101-508) that helps States enhance and support a network of local programs, Staff, and volunteers that directly help Medicare Beneficiaries, their representative, or persons aged 60 and older who are close to obtaining Medicare eligibility, to understand how to use their Medicare benefits including Prescription Drug Plan coverage, Medicare Advantage plans, Medicare supplemental policies, Medicare Savings Programs, and long-term care insurance. HICAP also provides enhanced Medicare related Services for Clients under the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008. The Centers for Medicare and Medicaid (CMS) administers the SHIP grant programs nationally. HICAP also provides Financial Alignment (FA) services as part of the larger Coordinated Care Initiative (CCI) authorized pursuant to SB 1008 (Chapter 33, Statutes of 2012) and SB 1036 (Chapter 45, Statutes of 2012).

1.1.3.2 HICAP is a volunteer supported program that provides community education and counseling assistance with Medicare and related health insurance issues. It also includes informal advocacy, legal services, enhanced outreach, and enrollment assistance. The primary activities of the HICAP are: 1) the provision of accurate

and objective counseling, advocacy and assistance with Medicare, health insurance, managed care, long-term care, and related health coverage plans for Medicare beneficiaries, their representative, or persons aged 60 and older who are close to obtaining Medicare eligibility, 2) to educate the public about Medicare and health coverage issues, and 3) the provision of enhanced outreach and reenrollment assistance for MIPPA Services, and the provision of FA Services.

- 1.1.3.3 MIPPA Services are designed to assist in expanding Medicare beneficiary enrollment in the Prescription Drug Benefit Low Income Subsidy (LIS) Program, the Medicare Savings Program (MSP), as well as assist in general rural outreach and enrollment efforts for Medicare Part D. The LIS Program offers financial assistance for prescription drugs to Medicare beneficiaries who have limited income and resources, by providing help with their monthly premium payments, yearly deductible, prescription coinsurance, and copayments. MSP provides access to prescription drug coverage from private prescription drug plans for elderly and disabled Medicare beneficiaries.
- 1.1.3.4 FA Services are designed to promote coordinated delivery of medical, behavioral health, long-term institutional and home-and community-based services through a single organized system to older adults and people with disabilities who are dually eligible for both Medi-Cal and Medicare.
- 1.1.3.5 Successful Bidder shall provide all of the Program Services identified in Appendix B (Statement of Work), Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 12 (Pricing Sheet), Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 23 (Proposed Program Services for HICAP), Exhibit 24 (Proposed Program Services for HICAP MIPPA) and Exhibit 25 (Proposed Program Services FA) throughout Los Angeles County (Supervisory Districts 1, 2, 3, 4, and 5), excluding the City of Los Angeles, for the duration of the Subaward term.

1.2 Overview of This Solicitation Document

- 1.2.1 **Paragraph 1.0 (General Information):** Specifies Minimum Requirements for submitting a bid, provides information regarding some of the requirements of the Subaward, and explains the solicitation process.
- 1.2.2 **Paragraph 2.0 (Instructions to Bidder):** Contains instructions to Bidder on how to prepare and submit the bid.
- 1.2.3 **Paragraph 3.0 (Bid Review and Selection Process):** Explains how the bid will be reviewed and the method for selecting the successful bid/successful Bidder.
- 1.2.4 **Appendices:** These documents are attachments to the IFB, which include:
 - 1.2.4.1 Appendix A (Sample Subaward)
 - 1.2.4.2 Appendix B (Statement of Work)
 - 1.2.4.3 Appendix C (Statement of Work Exhibits)
 - 1.2.4.4 Appendix D (Required Forms and Documentation)
 - 1.2.4.5 Appendix E (Invitation for Bids Transmittal to Request a Solicitation Requirements Review)
 - 1.2.4.6 Appendix F (County of Los Angeles Policy on Doing Business with Small Business)
 - 1.2.4.7 Appendix G (Jury Service Ordinance)
 - 1.2.4.8 Appendix H (Listing of Contractors Debarred in Los Angeles County)
 - 1.2.4.9 Appendix I (Internal Revenue Service Notice 1015)
 - 1.2.4.10 Appendix J (Safely Surrendered Baby Law)
 - 1.2.4.11 Appendix K (Background and Resources - California Charities Regulation)
 - 1.2.4.12 Appendix L (Defaulted Property Tax Reduction Program)
 - 1.2.4.13 Appendix M (Notice of Intent to Submit Bid)

1.3 Terms and Definitions

- 1.3.1 Key terms that are used throughout this document (including its Appendices) have been defined in Appendix A (Sample Subaward), Exhibit P (Definitions), unless otherwise stated.
- 1.3.2 Titles, captions, and headings contained in this solicitation are inserted as a matter of convenience and for reference and are not intended and shall not be deemed or construed to define, limit, extend, or otherwise describe the scope or any provision of this solicitation.
- 1.3.3 For purposes of this IFB, the term Bidder is used to identify any person, entity, or organization which submits a bid in response to this solicitation. As such, while the information provided in this IFB is intended primarily for Bidder, potential Bidders are highly encouraged to review this solicitation document as well.
 - 1.3.3.1 For purposes of this IFB, the term Client is used to identify an individual who meets the eligibility requirements outlined in Appendix B (Statement of Work), Subsection 6.17 (Client Eligibility Criteria), receives Program Services and is counted only once (unduplicated) when determining the total number of unduplicated Clients.
 - 1.3.3.2 For purposes of this IFB, the term Subrecipient shall refer to Bidder who submits a bid in response to this solicitation, successfully passes County's evaluation/review process, is selected by County to receive a Subaward (contingent upon approval by the County of Los Angeles Board of Supervisors (Board of Supervisors)), and is expected to ultimately sign/execute the resulting Subaward.
- 1.3.4 Usage of Specific Terms Pursuant to Federal and County Regulations
 - 1.3.4.1 In order to comply with the requirements of [Title 2 Code of Federal Regulations Part 200](#) and [Title 45 Code of Federal Regulations Part 75](#), specific terms are used to refer to the resulting agreement which is identified as the "Subaward" (i.e., Appendix A (Sample Subaward)), the party to that agreement who is identified as "Subrecipient", a third-party agreement which is identified as the "Lower Tier Subaward", and a third-party who is identified as a "Lower Tier Subrecipient".

- 1.3.4.2 In order to comply with County of Los Angeles codes/statutes and Board of Supervisors policies/mandates, several County of Los Angeles specific terms are also used to refer to the resulting agreement which is identified as the “Contract” (i.e., Appendix A (Sample Subaward)), the party to that agreement who is identified as “Contractor”, a third-party agreement which is identified as the “Subcontract”, and a third-party who is identified as a “Subcontractor”.
- 1.3.4.3 In all cases, when the terms Subaward, Subrecipient, Lower Tier Subaward, Lower Tier Subrecipient, Contract, Contractor, Subcontract, and Subcontractor are used then these shall have the meanings provided respectively herein and as noted in Appendix A (Sample Subaward), Exhibit P (Definitions).

1.4 Bidder’s Minimum Requirements

1.4.1 Information for Interested and Qualified Bidders

- 1.4.1.1 Interested and qualified Bidders that can demonstrate their ability to successfully provide all of the required Services outlined in Appendix B (Statement of Work) are invited to submit bids, provided that they meet the Minimum Requirements outlined herein.

1.4.2 Minimum Requirements to Submit Bid

- 1.4.2.1 Bidder shall not be debarred, or equivalent prohibition on doing business with Bidder, by any government agency.
- 1.4.2.2 Bidder must have five (5) consecutive years of experience, obtained within the last seven (7) years (between 2011 – 2018), providing HICAP Services or services equivalent or substantially similar to the Program Services identified in Appendix B (Statement of Work).
- 1.4.2.3 Bidder’s organization shall be either a non-profit private corporation or public/government entity.
- 1.4.2.4 Unresolved Disallowed Costs with County Contract(s)
 - 1.4.2.4.1 When Bidder’s compliance with a County contract has been reviewed by the County of Los Angeles Auditor-Controller

within the last ten (10) years, Bidder must not have unresolved disallowed costs identified by the County of Los Angeles Auditor-Controller, in an amount over \$100,000.00, that are confirmed to be disallowed costs by the contracting County department (WDACS), and remain unpaid for six (6) months or more from the date of disallowance, unless such disallowed costs are the subject of current good faith negotiations to resolve the disallowed costs, in the opinion of County.

1.5 County's Rights and Responsibilities

1.5.1 County has the unlimited right to amend this IFB by written addendum at any time before the final bid due date and time. County is responsible only for that which is expressly stated in this solicitation document and any authorized written addenda thereto. Such addendum shall be made available to each person or organization which County records indicate has received this IFB. When the Bidders' Conference is mandatory, as described in Subparagraph 2.7 (Mandatory Bidders' Conference), the addendum is only sent to those Bidders who attend the Mandatory Bidders' Conference. Should such addendum require additional information not previously requested, Bidder's failure to address the requirements of such addendum may result in the bid being found non-responsive and will not be considered, as determined in the sole discretion of County. County is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

1.6 Subaward Term

1.6.1 The Subaward term shall be for a period of one (1) year with three (3) annual options to renew where such renewals shall be determined at County's sole discretion (contingent upon availability of funding, Subrecipient's performance, and other criteria to be determined by County). The Subaward shall commence on July 1, 2019 and continue through June 30, 2020, following the Board of Supervisors' award.

1.7 Subaward Rates

1.7.1 Throughout the term of the Subaward, and such term shall include any renewal options exercised by County, Subrecipient's costs must reflect true, actual, and supported costs which are incurred

solely for providing Services under the Subaward. Such true/actual costs are those costs which are net of any applicable credits including, but not limited to, discounts, refunds, adjustments, rebates, allowances, etc. and are inclusive of any taxes, delivery/shipping charges, etc. County shall reimburse Subrecipient for supplying the Services as set forth in the Subaward.

1.8 Days of Operation

1.8.1 Subrecipient's office shall be open for business a minimum of five (5) days per week (Monday through Friday), eight (8) hours per day during the hours of 8:00 a.m. to 5:00 p.m., not including County recognized holidays (normal business hours). A list of County recognized holidays is provided in Appendix C (Statement of Work Exhibits), Attachment 2 (County Recognized Holidays). Subrecipient's Staff shall be available during these days and hours of operation.

1.8.2 Subrecipient shall be required to provide HICAP Services a minimum of five (5) days per week. Subrecipient is not required to provide Services on County recognized holidays. County's Program Manager will provide a list of County holidays to Subrecipient at the time the Subaward is approved, and thereafter when updates are made to this list.

1.9 Contact with County Personnel

1.9.1 All contact regarding this IFB or any matter relating thereto must be limited to the designated timeframes as indicated in this solicitation (and any addendum thereto). Such contact shall be in writing and shall be either e-mailed or mailed using the following information (please use only one (1) of these methods to contact County):

E-mail Address:

aaarfp@wdacs.lacounty.gov

Postal Address:

County of Los Angeles

Workforce Development, Aging and Community Services

Contracts Management Division

Attention: AAA-HICAP-1920 IFB

3175 West 6th Street

Los Angeles, CA 90020-1708

- 1.9.2 Bidder shall not contact any County personnel as it relates to any aspect of this solicitation. All contact shall only be conducted using the information provided in this Subparagraph 1.9. If it is discovered that Bidder contacted and/or received information from any County personnel regarding this solicitation, County, in its sole determination, may disqualify Bidder's bid from further consideration.

1.10 Final Subaward Award by the Board of Supervisors

- 1.10.1 Notwithstanding a recommendation of WDACS, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a bid and the terms of any resultant agreement, and to determine which bid best serves the interests of the County of Los Angeles. The Board of Supervisors is the ultimate decision-making body and makes the final determinations necessary to arrive at a decision to award, or not award, a Subaward.

1.11 Mandatory Requirement to Register on County's WebVen

- 1.11.1 Prior to Subaward (that is, "Contract") award, successful Bidder must register on County's WebVen. The WebVen contains Bidder's business profile and identifies the goods/services Bidder provides. Bidder shall register online at <http://camisvr.co.la.ca.us/webven/>.

1.12 County Option to Reject Bids

- 1.12.1 Bidder is hereby advised that this IFB is a solicitation for bids only, and is not intended, and is not to be construed as, an offer to enter into a Subaward. County may, at its sole discretion, reject any or all bids submitted in response to this IFB or may, in its sole discretion, reject all bids and cancel this IFB in its entirety or County may cancel any portion of this IFB when it is determined to be in the best interests of the County of Los Angeles.
- 1.12.2 County shall not be liable for any costs incurred by Bidder in connection with the preparation and submission of any bid.
- 1.12.3 County reserves the right to waive inconsequential disparities or any informalities in a bid if the sum and substance of the bid is present.

1.13 Protest Process

- 1.13.1 In accordance with Board of Supervisors Policy No. 5.055 (Services Contract Solicitation Protest), prospective Bidder may request a review of the requirements under this solicitation for Board of Supervisors-approved services Subaward, as described

in Subparagraph 1.13.3 (Grounds for Review). Additionally, any actual Bidder may request a review of a disqualification or of a proposed Subaward under such a solicitation, as also described respectively in Subparagraph 1.13.3 (Grounds for Review). It is the responsibility of Bidder challenging the decision of WDACS to demonstrate that WDACS committed a sufficiently material error in the solicitation process to justify invalidation of a proposed Subaward.

1.13.2 Throughout the review process, County has no obligation to delay or otherwise postpone granting of the Subaward based on a Bidder protest. In all cases, County reserves the right to recommend an award when it is determined to be in the best interest of the County of Los Angeles to do so.

1.13.3 Grounds for Review

1.13.3.1 Unless State or Federal statutes or regulations provide otherwise, the grounds for review of any County determination, action, or solicitation for a Board-approved services contract provided for in accordance with Board of Supervisors Policy No. 5.055 (Services Contract Solicitation Protest) are limited to the following:

1.13.3.1.1 Review of the solicitation requirements (reference Subparagraph 2.5 (Solicitation Requirements Review))

1.13.3.1.2 Review of a disqualified bid (reference Subparagraph 3.10 (Disqualification Review))

1.13.3.1.3 Review of proposed Contractor selection (reference Subparagraphs 3.11 (Proposed Contractor Selection Review) and 3.12 (County Independent Review))

1.14 Notice to Bidders Regarding the Public Records Act

1.14.1 Responses to this solicitation shall become the exclusive property of County. Absent extraordinary circumstances, the recommended Bidder's bid will become a matter of public record when the following occur: 1) Subaward negotiations are complete; 2) WDACS receives a letter from the recommended Bidder's Authorized Representative indicating that the negotiated Subaward is the firm offer of the recommended Bidder; and, 3) WDACS releases a copy of the recommended Bidder's bid in response to a

Notice of Intent to Request a Proposed Contractor Selection Review under Board of Supervisors' Policy No. 5.055 (Services Contract Solicitation Protest).

- 1.14.2 Notwithstanding the above, absent extraordinary circumstances, all bids will become a matter of public record when County's recommendation for selected Bidder appears on the Board of Supervisors' agenda.
- 1.14.3 Exceptions to disclosure are those parts or portions of the bid that are justifiably defined as business or trade secrets, and plainly marked by Bidder as "Trade Secret", "Confidential", or "Proprietary".
- 1.14.4 County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or otherwise by law. A blanket statement of confidentiality or the marking of each page of the bid as "confidential" shall not be deemed sufficient notice of exception. Bidder must specifically label only those provisions of its respective bid which are "Trade Secret", "Confidential", or "Proprietary" in nature.
- 1.14.5 In the event that County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a bid marked "Trade Secret", "Confidential" or "Proprietary", Bidder agrees to defend and indemnify County from all costs and expenses, including reasonable attorneys' fees, incurred in connection with any action, proceeding or liability arising in connection with the Public Records Act request.

1.15 Indemnification and Insurance

- 1.15.1 Subrecipient shall be required to comply with the indemnification provisions contained in Appendix A (Sample Subaward), Subparagraph 8.23 (Indemnification). Subrecipient shall procure, maintain, and provide to County proof of insurance coverage for all the programs of insurance along with associated amounts specified in Appendix A (Sample Subaward), Subparagraph 8.24 (General Provisions for all Insurance Coverage) and Subparagraph 8.25 (Insurance Coverage).

1.16 Intentionally Omitted

1.17 Injury and Illness Prevention Program

- 1.17.1 Subrecipient shall be required to comply with the State of California's Cal OSHA regulations. Title 8 California Code of

Regulations Section 3203 requires all California employers to have a written, effective Injury and Illness Prevention Program that addresses hazards pertaining to the particular workplace covered by the program.

1.18 Background and Security Investigations

- 1.18.1 Background and security investigations of Bidder's staff may be required at the discretion of County as a condition of beginning and continuing Work under the Subaward. The cost of background checks is the responsibility of Bidder.

1.19 Confidentiality and Independent Contractor Status

- 1.19.1 As appropriate, Subrecipient shall comply with the confidentiality and the independent contractor status provisions contained in Appendix A (Sample Subaward), Subparagraph 7.6 (Confidentiality) and Subparagraph 8.22 (Independent Contractor Status), respectively.

1.20 Conflict of Interest

- 1.20.1 No County employee whose position in County enables him/her to influence the selection of a Subrecipient for this IFB, or any competing IFB, nor any spouse of economic dependent of such employee, shall be employed in any capacity by Bidder or have any other direct or indirect financial interest in the selection of Subrecipient. Bidder shall certify that he/she is aware of and has read the Los Angeles County Code Section 2.180.010 as stated in Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 5 (Certification of No Conflict of Interest).

1.21 Determination of Bidder Responsibility

- 1.21.1 A responsible Bidder is a Bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the Subaward. It is County's policy to conduct business only with responsible Bidder(s) who is successful in the evaluation, selection, recommendation, and award process.
- 1.21.2 Bidder is hereby notified that, in accordance with Los Angeles County Code Chapter 2.202 (Determinations of Contractor Non-Responsibility and Contractor Debarment), County may determine whether Bidder is responsible based on a review of Bidder's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by Bidder against public entities. Labor law

violations which are the fault of Lower Tier Subrecipients (that is, Subcontractors) and of which Bidder had no knowledge shall not be the basis of a determination that Bidder is not responsible.

- 1.21.3 County may declare Bidder to be non-responsible for purposes of this solicitation if the Board of Supervisors, in its discretion, finds that Bidder has done any of the following: 1) violated a term of a contract with County or a nonprofit corporation created by County; 2) committed an act or omission which negatively reflects on Bidder's quality, fitness, or capacity to perform a contract with County, any other public entity, or a nonprofit corporation created by County, or engaged in a pattern or practice which negatively reflects on same; 3) committed an act or omission which indicates a lack of business integrity or business honesty; or, 4) made or submitted a false claim against County or any other public entity.
- 1.21.4 If there is evidence that the apparent highest ranked Bidder may not be responsible, WDACS shall notify Bidder in writing of the evidence relating to Bidder's responsibility and its intention to recommend to the Board of Supervisors that Bidder be found not responsible. WDACS shall provide Bidder and/or Bidder's Authorized Representative with an opportunity to present evidence as to why Bidder should be found to be responsible and to rebut evidence which is the basis for WDACS' recommendation.
- 1.21.5 If Bidder presents evidence in rebuttal to WDACS, WDACS shall evaluate the merits of such evidence, and based on that evaluation, WDACS shall make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of Bidder shall reside with the Board of Supervisors.
- 1.21.6 These terms shall also apply to proposed Subcontractors of Bidders on County contracts.

1.22 Bidder Debarment

- 1.22.1 Bidder is hereby notified that, in accordance with Los Angeles County Code Chapter 2.202 (Determinations of Contractor Non-Responsibility and Contractor Debarment), County may debar Bidder from bidding or proposing on, or being awarded, and/or performing work on other County of Los Angeles contracts for a specified period of time, which generally will not exceed five (5) years but may exceed five (5) years or be permanent if warranted by the circumstances, and County may terminate any or all of Bidder's existing contracts with County, if the Board of Supervisors finds, in its discretion, that Bidder has done any of the following: (1) violated a term of a contract with the County of Los Angeles or a nonprofit corporation created by the County of Los Angeles; (2)

committed an act or omission which negatively reflects on Bidder's quality, fitness or capacity to perform a contract with the County of Los Angeles, any other public entity, or a nonprofit corporation created by the County of Los Angeles, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or, (4) made or submitted a false claim against the County of Los Angeles or any other public entity.

- 1.22.2 If there is evidence that the apparent highest ranked Bidder may be subject to debarment, WDACS shall notify Bidder in writing of the evidence which is the basis for the proposed debarment, and shall advise Bidder of the scheduled date for a debarment hearing before the Contractor Hearing Board.
- 1.22.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. Bidder and/or Bidder's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether Bidder should be debarred, and, if so, the appropriate length of time of the debarment. Bidder and WDACS shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.
- 1.22.4 After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 1.22.5 If Bidder has been debarred for a period longer than five (5) years, Bidder may, after the debarment has been in effect for at least five (5) years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that Bidder has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed; (2) a bona fide change in ownership or management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of County.
- 1.22.6 The Contractor Hearing Board will consider requests for review of a debarment determination only where: (1) Bidder has been debarred for a period longer than five (5) years; (2) the debarment

has been in effect for at least five (5) years; and, (3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. At the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.

- 1.22.7 The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 1.22.8 These terms shall also apply to proposed Subcontractors of Bidders on County contracts.
- 1.22.9 Appendix H (Listing of Contractors Debarred in Los Angeles County) provides a link to the County's website where there is a listing of contractors that are currently on the debarment list for the County of Los Angeles.

1.23 Bidder's Adherence to County Child Support Compliance Program

- 1.23.1 Bidder shall fully comply with all applicable State and Federal reporting requirements relating to employment reporting for its employees and all lawfully served Wage and Earnings Assignment Orders and Notice of Assignment, and shall continue to maintain such compliance during the term of the Subaward that may be awarded pursuant to this solicitation. Failure to comply may be cause for termination of Subaward or initiation of debarment proceedings against the non-compliant Subrecipient in accordance with Los Angeles County Code Chapter 2.202 (Determinations of Contractor Non-Responsibility and Contractor Debarment)).

1.24 Gratuities

1.24.1 Attempt to Secure Favorable Treatment

- 1.24.1.1 It is improper for any County officer, employee, or agent to solicit consideration, in any form, from Bidder with the implication, suggestion, or statement that

Bidder's provision of the consideration may secure more favorable treatment for Bidder in the award of Subaward or that Bidder's failure to provide such consideration may negatively affect County's consideration of Bidder's submission. Bidder shall not offer or give either directly or through an intermediary, consideration, in any form, to a County officer, employee, or agent for the purpose of securing favorable treatment with respect to the award of the Subaward.

1.24.2 Form of Improper Consideration

1.24.2.1 Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

1.24.3 Bidder Notification to County

1.24.3.1 Bidder shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County of Los Angeles Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such improper consideration may result in Bidder's submission being eliminated from consideration.

1.25 Notice to Bidders Regarding the County Lobbyist Ordinance

1.25.1 The Board of Supervisors has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in Los Angeles County Code Chapter 2.160 (County Lobbyists). In effect, each person, corporation, or other entity that seeks a County permit, license, franchise, or subaward (that is, "contract") must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of Bidder to review the ordinance independently as the text of said ordinance is not contained within this IFB. Thereafter, each person, corporation, or other entity submitting a response to this solicitation, must certify that each County Lobbyist, as defined by Los Angeles County Code Section 2.160.010, retained by Bidder is in full compliance with Los Angeles County Code Chapter 2.160 (County Lobbyists) and each such County of Los Angeles Lobbyist is not on the

Executive Office's List of Terminated Registered Lobbyists by completing Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 6 (Familiarity with County's Lobbyist Ordinance Certification) and submitting it as part of the bid.

1.26 Federal Earned Income Credit

1.26.1 Upon granting of the Subaward (that is, Contract), Subrecipient (that is, Contractor) shall notify its Employees, and shall require each Lower Tier Subrecipient (that is, Subcontractor) to notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in Appendix I (Internal Revenue Service Notice 1015).

1.27 Consideration of GAIN/GROW Participants for Employment

1.27.1 As a threshold requirement for consideration for the Subaward, Bidder shall demonstrate a proven record of hiring participants in the County of Los Angeles Department of Public Social Services Greater Avenues for Independence (GAIN) Program or General Relief Opportunities for Work (GROW) Program or shall attest to a willingness to consider GAIN/GROW participants for any future employment openings if the participants meet the minimum qualifications for that opening. Bidder shall attest to a willingness to provide employed GAIN/GROW participants access to Bidder's employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities.

1.27.2 Bidder who is unable to meet this requirement shall not be considered for the Subaward. Bidder shall complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 9 (Attestation of Willingness to Consider GAIN/GROW Participants) and submit it as part of the bid.

1.28 County's Quality Assurance Plan

1.28.1 After commencement of the Subaward, County or its agent will monitor Subrecipient's performance under the Subaward on a periodic basis. Such monitoring will include assessing Subrecipient's compliance with all terms and conditions in the Subaward and performance standards identified in Appendix B (Statement of Work). Subrecipient's deficiencies which County determines are significant or continuing and that may jeopardize performance of the Subaward will be reported to the Board of Supervisors. The report will include improvement/corrective action

measures taken by County and Subrecipient. If improvement does not occur consistent with the corrective action measures, County may terminate the Subaward in whole or in part, or impose other penalties as specified in the Subaward.

1.29 Recycled Bond Paper

- 1.29.1 Bidder shall be required to comply with County's policy on recycled bond paper as specified in Appendix A (Sample Subaward), Subparagraph 8.39 (Recycled Bond Paper).

1.30 Safely Surrendered Baby Law

- 1.30.1 Upon granting of the Subaward, Subrecipient (that is, Contractor) shall notify and provide to its Employees, and shall require each Lower Tier Subrecipient (that is, Subcontractor) to notify and provide to its employees information regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The information is set forth in Appendix J (Safely Surrendered Baby Law) and additional information is available on-line at www.babysafela.org.

1.31 County Policy on Doing Business with Small Business

- 1.31.1 County has multiple programs that address small businesses. The Board of Supervisors encourages small business participation in County's contracting process by constantly streamlining and simplifying our selection process and expanding opportunities for small businesses to compete for our business.
- 1.31.2 The Local Small Business Enterprise Preference Program requires Bidder to complete a certification process. This program and how to obtain certification are further explained in Subparagraph 1.33 (Local Small Business Enterprise Preference Program).
- 1.31.3 The Jury Service Program provides exceptions to the program if a Bidder qualifies as a small business. It is important to note that each program (i.e., Local Small Business Enterprise Preference Program and Jury Service Program) has a different definition for small business. You may qualify as a small business in one program but not the other. Further explanation of the Jury Service Program is provided in Subparagraph 1.32 (Jury Service Program).
- 1.31.4 County also has a policy on doing business with small business that is stated in Appendix F (County of Los Angeles Policy on Doing Business with Small Business).

1.32 Jury Service Program

- 1.32.1 The resulting Subaward (that is, Contract) is subject to the requirements of County's Contractor Employee Jury Service Ordinance (Jury Service Program), Los Angeles County Code Chapter 2.203 (Contractor Employee Jury Service). Bidder shall carefully read the Jury Service Ordinance in Appendix G (Jury Service Ordinance), and the pertinent jury service provisions of Appendix A (Sample Subaward), Subparagraph 8.8 (Compliance with County's Jury Service Program), both of which are incorporated by reference into and made a part of this IFB. The Jury Service Program applies to both Subrecipient (that is, Contractor) and its Lower Tier Subrecipient(s) (that is, Subcontractor(s)). Bids that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.
- 1.32.2 The Jury Service Program requires Contractor and its Subcontractor(s) to have and adhere to a written policy that provides that its employees shall receive from Contractor, on an annual basis, no less than five (5) days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with Contractor or that Contractor deduct from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, "employee" means any California resident who is a full-time employee of Contractor and "full-time" means forty (40) hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by County, or 2) Contractor has a long-standing practice that defines the lesser number of hours as full-time. Therefore, the Jury Service Program applies to all of a Contractor's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary services of ninety (90) days or less within a twelve (12) month period are not considered full-time for purposes of the Jury Service Program.
- 1.32.3 There are two (2) ways in which Contractor might not be subject to the Jury Service Program. The first is if Contractor does not fall within the Jury Service Program's definition of "contractor". The Jury Service Program defines "contractor" to mean a person, partnership, corporation, or other entity which has a contract with County or a Subcontract with a County contractor and has received or will receive an aggregate sum of fifty thousand dollars (\$50,000) or more in any twelve (12) month period under one (1) or more County contracts or subcontracts. The second is if Contractor meets one of the two exceptions to the Jury Service Program. The

first exception concerns small businesses and applies to Contractor that: 1) has ten (10) or fewer employees; 2) has annual gross revenues in the preceding twelve (12) months which, if added to the Maximum Annual Subaward Sum of the Contract, is less than five hundred thousand dollars (\$500,000); and, 3) is not an “affiliate or subsidiary of a business dominant in its field of operation”. The second exception applies to Contractor that possesses a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. Contractor is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

- 1.32.4 If Bidder does not fall within the Jury Service Program’s definition of “contractor” or if it meets any of the exceptions to the Jury Service Program then Bidder must so indicate when completing Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 10 (County of Los Angeles Contractor Employee Jury Service Program Certification and Application for Exception), and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing Bidder’s application, County will determine, in its sole discretion, whether Bidder falls within the definition of “contractor” or meets any of the exceptions to the Jury Service Program. County’s decision will be final.

1.33 Local Small Business Enterprise Preference Program

- 1.33.1 County will give Local Small Business Enterprise (LSBE) Preference during the solicitation process to Bidder that meets the definition of a LSBE, consistent with Los Angeles County Code Chapter 2.204.030C.2.
- 1.33.2 Bidder which is certified as small by the federal Small Business Administration (SBA) or maintains an active registration as small in the System for Award Management (SAM) data base may qualify to request the LSBE Preference in a solicitation.
- 1.33.3 To apply for certification as a LSBE, contact the County of Los Angeles Department of Consumer and Business Affairs at <http://dcba.lacounty.gov>.
- 1.33.4 Certified LSBE may only request the Preference if the certification process has been completed and certification is affirmed. Bidder must complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 7 (Request for Preference Program Consideration) and submit it along with a letter of certification from DCBA with their bid.

1.33.5 Information on the federal small business is available on the SAM website at <https://www.sam.gov>.

1.34 Local Small Business Enterprise Prompt Payment Program

1.34.1 It is the intent of County that certified LSBEs receive prompt payment for services they provide to County. Prompt payment shall mean that County will process an undisputed invoice within fifteen (15) calendar days after receipt of such invoice.

1.35 Notification to County of Pending Acquisitions/Mergers by Bidding

1.35.1 Bidder shall notify County of any pending acquisitions/mergers of its company unless otherwise legally prohibited from doing so. If Bidder is restricted from legally notifying County of pending acquisitions/mergers then it should notify County of the actual acquisitions/mergers as soon as the law allows and provide to County the legal framework that restricted it from notifying County prior to the actual acquisitions/mergers. This information shall be provided by Bidder on Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information). Failure of Bidder to provide this information may eliminate its bid from any further consideration.

1.35.2 Bidder shall have a continuing obligation to notify County of changes to the information contained in Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 1 (Bidder's Organization Questionnaire, Affidavit and Community Business Enterprise Information) prior to the granting of the Subaward by providing a revised Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information) to County upon the occurrence of any event giving rise to a change in its previously-reported information.

1.36 Social Enterprise Preference Program

1.36.1 County will give Social Enterprise (SE) Preference during the solicitation process to Bidder that meets the definition of an SE, consistent with Los Angeles County Code Chapter 2.205 (Transitional Job Opportunities Preference Program). An SE is defined as:

1.36.1.1 A business that qualifies as an SE and has been in operation for at least one (1) year providing transitional or permanent employment to a transitional workforce or providing social, environmental, and/or human

justice services; and

1.36.1.2 A business certified by DCBA as an SE.

1.36.2 DCBA shall certify that an SE meets the criteria set forth in Subparagraph 1.36.1.

1.36.3 Certified SE may only request the Preference if the certification has been completed and certification is affirmed. Bidder must complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 7 (Request for Preference Program Consideration) and submit it along with a letter of certification from DCBA with their bid.

1.36.4 Further information on an SE is also available on DCBA's website at: <http://dcba.lacounty.gov>.

1.37 Business Associate Agreement Under the Health Insurance Portability and Accountability Act of 1996

1.37.1 Subrecipient shall be required to comply with the Administrative Simplification requirements of the federal Health Insurance Portability and Accountability Act of 1996, contained in Appendix A (Sample Subaward), Exhibit N (Business Associate Agreement Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA)), as in effect and as may be amended.

1.38 Bidder's Charitable Contributions Compliance

1.38.1 California's Supervision of Trustees and Fundraisers for Charitable Purposes Act (Charitable Purposes Act) regulates receiving and raising charitable contributions. Among other requirements, those subject to the Charitable Purposes Act must register and adhere to reporting requirements. The 2004 Nonprofit Integrity Act (Senate Bill 1262, Chapter 919) increased Charitable Purposes Act requirements. Bidder shall carefully read Appendix K (Background and Resources - California Charities Regulation). New rules cover California public benefit corporations, unincorporated associations, and trustee entities and may include similar foreign corporations doing business or holding property in California. Key Nonprofit Integrity Act requirements affect executive compensation, fundraising practices and documentation. Charities with over \$2 million of revenues (excluding funds that must be accounted for to a governmental entity) have new audit requirements.

1.38.2 Bidder must determine if it receives or raises charitable contributions which subject it to the Charitable Purposes Act and shall complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 11 (Charitable Contributions

Certification). Further, a completed Appendix A (Sample Subaward), Exhibit O (Charitable Contributions Certification) is a required part of the Subaward.

1.38.3 In Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 11 (Charitable Contributions Certification), Bidder shall certify either that:

1.38.3.1 They have determined that they do not now receive or raise charitable contributions regulated under the California Charitable Purposes Act, including the Nonprofit Integrity Act, but will comply if they become subject to coverage of those laws during the term of the Subaward, **or**

1.38.3.2 They are currently complying with their obligations under the Charitable Purposes Act, attaching a copy of their most recent filing with the Registry of Charitable Trusts.

1.38.4 Bidder who does not complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 11 (Charitable Contributions Certification) as part of the solicitation process may, in County's sole discretion, be disqualified from Subaward award. Subrecipient that fails to comply with its obligations under the Charitable Purposes Act is subject to either Subaward termination or debarment proceedings or both in accordance with Los Angeles County Code Chapter 2.202 (Determinations of Contractor Non-Responsibility and Contractor Debarment).

1.39 Defaulted Property Tax Reduction Program

1.39.1 The Subaward (that is "Contract") is subject to the requirements of County's Defaulted Property Tax Reduction Program (Defaulted Tax Program) as reflected in Los Angeles County Code Chapter 2.206 (Defaulted Property Tax Reduction Program). Bidder shall carefully read Appendix L (Defaulted Property Tax Reduction Program), and the pertinent provisions of the Appendix A (Sample Subaward), Subparagraph 8.51 (Warranty of Compliance with County's Defaulted Property Tax Reduction Program) and Subparagraph 8.52 (Termination for Breach of Warranty to Maintain Compliance with County's Defaulted Property Tax Reduction Program), both of which are incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both Subrecipient (that is, "Contractor") and its Lower Tier Subrecipient(s) (that is, "Subcontractor(s)").

1.39.2 Bidder shall be required to certify that it is in full compliance with

the provisions of the Defaulted Tax Program and shall maintain compliance during the term of the Contract that may be awarded pursuant to this solicitation or shall certify that it is exempt from the Defaulted Tax Program by completing Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 14 (Certification of Compliance with County's Defaulted Property Tax Reduction Program). Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract or initiation of debarment proceedings against the non-compliance contractor (Los Angeles County Code Chapter 2.202 (Determinations of Contractor Non-Responsibility and Contractor Debarment)).

- 1.39.3 Bids that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

1.40 Disabled Veteran Business Enterprise Preference Program

- 1.40.1 County will give preference during the solicitation process to businesses that meet the definition of a Disabled Veteran Business Enterprise (DVBE), consistent with Los Angeles County Code Chapter 2.211 (Disabled Veteran Business Enterprise Preference Program). A DVBE vendor is defined as:

- 1.40.1.1 A business which is certified by the State of California as a DVBE; or

- 1.40.1.2 A business which is verified as a service-disabled veteran-owned small business (SDVOSB) by the Veterans Administration.

- 1.40.1.3 A business certified as DVBE with other certifying agencies pursuant to the Department of Consumer and Business Affairs' (DCBA's) inclusion policy that meets the criteria set forth by the agencies in Subparagraphs 1.40.1.1 and 1.40.1.2 above.

- 1.40.2 DCBA shall certify that a DVBE is currently certified by the State of California, by the U.S. Department of Veteran Affairs, or is determined by DCBA's inclusion policy that meets the criteria set forth by the agencies in Subparagraphs 1.40.1.1 and 1.40.1.2 above.

- 1.40.3 Certified DVBEs may only request the Preference if the certification process has been completed and certification is affirmed. Bidder must complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 7 (Request for Preference Program Consideration) and submit it along with a letter of

certification from DCBA with its bid.

- 1.40.4 Information about the State's DVBE certification regulations is found in Title 2 California Code of Regulations, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Disabled Veteran Business Certification and Resources website at: <http://www.dgs.ca.gov/pd/Home.aspx>.

1.41 Time Off for Voting

- 1.41.1 Subrecipient (that is, Contractor) shall notify its Employees and shall require each Lower Tier Subrecipient (that is, Subcontractor) to notify and provide to its employees, information regarding the time off for voting law (Elections Code Section 14000). Not less than ten (10) days before every statewide election, every Contractor and its Subcontractor(s) shall keep a notice setting forth the provisions of Elections Code Section 14000 posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work.

1.42 Bidder's Acknowledgement of County's Commitment to Zero Tolerance Policy on Human Trafficking

- 1.42.1 On October 4, 2016, the Board of Supervisors approved a motion taking significant steps to protect victims of human trafficking by establishing a zero tolerance policy on human trafficking. The policy prohibits Bidder engaged in human trafficking from receiving the Subaward (that is, Contract) or performing Services under the Contract.
- 1.42.2 Bidder shall complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 15 (Compliance with County's Zero Tolerance Human Trafficking Policy), certifying that it is in full compliance with County's Zero Tolerance Policy on Human Trafficking provision as defined in Appendix A (Sample Subaward), Subparagraph 8.54 (Compliance with County's Zero Tolerance Human Trafficking Policy). Further, successful Bidder shall be required to comply with the requirements under said provision for the term of the Contract awarded pursuant to this solicitation.

1.43 Intentionally Omitted

1.44 Default Method of Payment: Direct Deposit or Electronic Funds Transfer

- 1.44.1 County, at its sole discretion, has determined that the most efficient and secure default form of payment for goods and/or services

provided under an agreement/contract with County shall be Electronic Funds Transfer (EFT) or direct deposit, unless an alternative method of payment is deemed appropriate by the County of Los Angeles Auditor-Controller (Auditor-Controller).

1.44.2 Upon Subaward (that is, Contract) award or at the request of the Auditor-Controller and/or the contracting department (WDACS), Subrecipient (that is, Contractor) shall submit a direct deposit authorization request with banking and vendor information, and any other information that the Auditor-Controller determines is reasonably necessary to process the payment and comply with all accounting, record keeping, and tax reporting requirements.

1.44.3 Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or direct deposit shall supersede this requirement with respect to those payments.

1.44.4 Upon Contract award or at any time during the duration of the agreement/Contract, Contractor may submit a written request for an exemption to this requirement. The Auditor-Controller, in consultation with the contracting department (WDACS), shall decide whether to approve exemption requests.

1.45 Bidder's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices

1.45.1 On May 29, 2018, the Board of Supervisors approved a Fair Chance Employment Policy in an effort to remove job barriers for individuals with criminal records. The policy requires businesses that contract with the County of Los Angeles to comply with fair chance employment hiring practices set forth in California Government Code Section 12952, Employment Discrimination: Conviction History (Section 12952).

1.45.2 Subrecipient (that is, Contractor) is required to complete Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 17 (Compliance with Fair Chance Employment Hiring Practices Certification), certifying that it is in full compliance with Section 12952, as indicated in Appendix A (Sample Subaward). Further, Contractor is required to comply with the requirements under Section 12952 for the term of any Subaward (that is, Contract) awarded pursuant to this solicitation.

1.46 Bidder's Data Universal Numbering System Number

1.46.1 Bidder must have a Data Universal Numbering System (DUNS) Number in order to submit a bid. Bidder shall provide this

information when completing Appendix D (Required Forms and Documentation), Part I (Required Forms), Attachment 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information). If Bidder does not have a DUNS number, please register for this number at: <http://www.dnb.com/duns-number.html>. Upon completion, Bidder shall provide documentation (e.g., print screen, confirmation, etc.) of its registration for the DUNS as an attachment to Appendix D (Required Forms and Documentation), Part I (Required Forms), Attachment 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information).

- 1.46.2 Upon selection to receive the Subaward, Subrecipient must register its DUNS number on the federal System for Award Management (SAM), which is accessible online at: <https://www.sam.gov>. Throughout the entirety of the Subaward, Subrecipient shall maintain an "Active" status in SAM. Subrecipient shall immediately update its profile and other relevant information as required in order for County to verify/validate Subrecipient's "Active" status.

1.47 Subaward Requirements for Payment and Performance Guaranties

- 1.47.1 Throughout the entire term of the Subaward, including the original term and any renewals or extensions thereto, County, at its sole discretion, reserves the right to require Subrecipient to provide a Payment Guaranty, a Performance Guaranty, or both in the amount and form as directed by County.

1.47.1.1 Payment Guaranty: Subrecipient's surety/guarantee to County that Subrecipient shall meet its obligations to faithfully pay its Lower Tier Subrecipient(s) in a manner that is timely, satisfactory, and acceptable to County, as determined by County at its sole discretion. The purpose of the Payment Guaranty is to provide all Lower Tier Subrecipients who supply labor, materials, services, etc. to Subrecipient a recourse if they do not get paid by Subrecipient. In such case, the Payment Guaranty allows Lower Tier Subrecipient to file a claim with the surety company that issued the Guaranty in the event that Subrecipient does not reimburse the Lower Tier Subrecipient for goods and/or services provided by Lower Tier Subrecipient.

1.47.1.2 Performance Guaranty: Subrecipient's surety/guarantee to County that Subrecipient shall meet its obligations to perform the terms and conditions of the Subaward. The purpose of the

Performance Guaranty is to provide County a recourse to recover monies reimbursed to Subrecipient which would otherwise be lost due to Subrecipient's actions.

- 1.47.2 County will determine whether Subrecipient will be required to obtain a Guaranty(ies) when Subrecipient's performance under the Subaward reveals potential liability to County in an aggregate amount of \$25,000 or more resulting from, but not limited to, the following incidents: disallowed costs, unsubstantiated costs, non-payment of vendors, etc.
- 1.47.3 The costs to implement and maintain the Guaranty(ies) may be allowable under the terms of the Subaward; however, no additional funding will be added to the Subaward Sums to pay for those costs.
- 1.47.4 Refer to Appendix A (Sample Subaward), Subparagraph 9.19 (Payment and Performance Guaranties) for additional information on the requirements for these Guaranties.

2.0 INSTRUCTIONS TO BIDDER

2.1 Key Dates and Instructions

- 2.1.1 This section contains key project dates and activities as well as instructions to Bidder on how to prepare and submit the bid.

2.2 County Responsibility

- 2.2.1 County is not responsible for representations made by any of its officers or employees prior to the execution of the Subaward unless such understanding or representation is included in the Subaward.

2.3 Truth and Accuracy of Representations

- 2.3.1 False, misleading, incomplete, or deceptively unresponsive statements in connection with a bid shall be sufficient cause for rejection of the bid. The evaluation and determination in this area shall be at County's sole judgment and this judgment shall be final.

2.4 IFB Timetable

Activity	Date and Time (Pacific Time (PT))
Release IFB	02/28/2019
Bidder's Written Questions	03/06/2019 12:00 p.m. (noon)

Activity	Date and Time (Pacific Time (PT))
Request for a Solicitation Requirements Review	03/07/2019 12:00 p.m. (noon) PT
Mandatory Bidders' Conference	03/07/2019 10:30 a.m. PT
Notice of Intent to Submit Bid	03/11/2019 12:00 p.m. (noon) PT
Final Questions and Answers Released (Tentative)	03/12/2019
Final Bid Due Date and Time	03/19/2019 12:00 p.m. (noon) PT
Completion of Evaluation/Bid Review (Tentative)	03/26/2019
Request for Disqualification Review (Tentative)	03/29/2019 12:00 p.m. (noon) PT
Announcement of Award (Tentative)	04/01/2019
Receive Letter of Intent from Prospective Subrecipient (Tentative)	04/03/2019
Request for Proposed Contractor Selection Review (Tentative)	04/12/2019 12:00 p.m. (noon) PT
Request for County Independent Review (Tentative)	04/22/2019 12:00 p.m. (noon) PT
Effective Date to Commence Subaward Services	07/01/2019

2.5 Solicitation Requirements Review

- 2.5.1 A person or entity may seek a Solicitation Requirements Review by submitting Appendix E (Invitation for Bids Transmittal to Request a Solicitation Requirements Review) to County as described in this Subparagraph 2.5. A request for a Solicitation Requirements Review may be denied, at County's sole discretion, if the request does not satisfy all of the following criteria:

- 2.5.1.1 The request for a Solicitation Requirements Review is made by the due date and time indicated in Subparagraph 2.4 (IFB Timeline).
- 2.5.1.2 The request for a Solicitation Requirements Review includes documentation, which demonstrates the underlying ability of the person or entity to submit a bid.
- 2.5.1.3 The request for a Solicitation Requirements Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review.
- 2.5.1.4 The request for a Solicitation Requirements Review asserts either that:
 - 2.5.1.4.1 Application of the Minimum Requirements, evaluation/review criteria, and/or business requirements unfairly disadvantages the person or entity; or,
 - 2.5.1.4.2 Due to unclear instructions, the procurement process may result in County not receiving the best possible responses from prospective Bidder.
- 2.5.1.5 The Solicitation Requirements Review shall be completed and County's determination shall be provided to the requesting person or entity, in writing, within a reasonable time prior to the final bid due date and time.

2.6 Bidder's Questions

- 2.6.1 Each Bidder may submit written questions regarding this IFB by mail or e-mail to County as identified in Subparagraph 2.6.3. All questions must be received by Wednesday, March 6, 2019 no later than 12:00 p.m. (noon) PT and must be in writing. Without identifying the submitting company, all questions along with their corresponding answers will be compiled into a question and answer document (Q & A). The Q & A document will be issued as an addendum to the IFB and provided to each individual whose name and contact information is legibly provided on the Mandatory Bidders' Conference sign-in sheet.
- 2.6.2 When submitting questions, please specify the document name/title (i.e., solicitation document, Appendix A (Sample Subaward), Appendix B (Statement of Work), etc.), the Paragraph/Subparagraph number and its title, and the page number(s), and quote the passage that prompted the question.

This will ensure that the question can be quickly identified in this IFB. County reserves the right to group similar questions when providing answers on the Q & A document.

- 2.6.3 Questions may address Bidder's concerns that the application of the Minimum Requirements, evaluation/review criteria, and/or business requirements would unfairly disadvantage Bidders or, due to unclear instructions, the procurement process may result in County not receiving the best possible responses from Bidder. All questions shall be submitted in writing to County by either e-mail or mail as follows (please use only one (1) of these methods to send questions):

E-mail

aaarfp@wdacs.lacounty.gov

Postal and Delivery Address:

County of Los Angeles

Workforce Development, Aging and Community Services

Contracts Management Division

Attention: AAA-HICAP-1920 IFB

3175 West 6th Street

Los Angeles, CA 90020-1708

- 2.6.4 Questions shall only be directed to County in the manner and during the Q & A timeframe which are indicated in this Subparagraph 2.6. Contacting any of County's staff (by phone, e-mail, etc.) in relation to this solicitation in addition to contacting County outside of the Q & A timeframe are strictly prohibited. Any deviation from the manner in which Bidder may contact County as specified herein may subject Bidder's bid to disqualification from the solicitation process.

2.7 Mandatory Bidders' Conference

- 2.7.1 A Mandatory Bidders' Conference (Conference) will be held to discuss the IFB. All potential Bidders must attend this Conference in order to submit a bid otherwise their bids will be rejected as non-responsive (disqualified) without review and eliminated from further consideration. During this Conference, County staff will respond to questions from prospective Bidders. The Conference is scheduled as follows:

Date and Time:

Thursday, March 7, 2019

10:30 a.m. – 12:30 p.m. PT (or until all questions have been addressed, whichever occurs first)

Location:

County of Los Angeles

Workforce Development, Aging and Community Services

3175 West 6th Street

Board Room 300

Los Angeles, CA 90020-1708

- 2.7.2 The Conference will begin promptly at 10:30 a.m. (PT) and will conclude at either 12:30 p.m. (PT) or once all questions have been addressed, whichever occurs first. Prospective Bidders are advised to arrive timely to ensure that they can participate in the Conference. Once the Conference has concluded, late arrivals will not be allowed.
- 2.7.3 To ensure that sufficient space is available at the Conference, prospective Bidders shall confirm their attendance by sending an e-mail to County no later than Wednesday, March 6, 2019 by 12:00 p.m. (PT) using the following e-mail address: aaarfp@wdacs.lacounty.gov. Include the following statement in the subject line of the e-mail: Attendance for Mandatory HICAP Bidders' Conference. Please note that due to space restrictions, a maximum of two (2) individuals from each organization will be allowed to attend this Conference. In the event that sufficient space is not available to accommodate all prospective Bidders, County may add an additional date and/or time for the Conference. County will notify those interested Bidders who have submitted their written confirmation of attendance if an additional date and/or time is being added.
- 2.7.4 Free parking for the Conference is available on a first-come first-served basis in the Shatto Place parking facility located at 523 Shatto Place, Los Angeles, CA 90020. To park in this facility, please send a written request by e-mail no later than Wednesday, March 6, 2019 by 12:00 p.m. (PT) to the following address: aaarfp@wdacs.lacounty.gov. Please include the following information in the subject line of the e-mail: Parking for HICAP Mandatory Bidders' Conference. Also note that metered parking is available within walking distance in the surrounding areas.

- 2.7.5 Copies of the IFB will not be distributed at the Conference. As such, prospective Bidders are encouraged to bring a copy of the IFB to the Conference. The IFB will only be available online and may be accessed on County's website as follows: <http://wdacs.lacounty.gov/business-opportunities/>.

2.8 Notice of Intent to Submit Bid

- 2.8.1 In an effort to plan the evaluation component of this solicitation, County requests prospective Bidder that intends to submit a bid to complete Appendix M (Notice of Intent to Submit Bid) and submit it to County by e-mail, mail, or in-person no later than Monday, March 11, 2019 by 12:00 p.m. (noon) (PT) using one (1) of the following addresses:

E-mail Address:

aaarfp@wdacs.lacounty.gov

Postal and Delivery Address:

County of Los Angeles

Workforce Development, Aging and Community Services

Contracts Management Division

Attention: AAA-HICAP-1920 IFB

3175 West 6th Street

Los Angeles, CA 90020-1708

2.9 Preparation of the Bid

- 2.9.1 All bids must be bound and submitted in the prescribed bid format. Any bid that deviates from this format may be rejected without review at County's sole discretion.

- 2.9.1.1 Bidder shall submit one (1) original hardcopy bid (containing the information described in Subparagraph 2.10 (Bid Format)) that is secured in a 3-ring binder. The original hardcopy bid shall include the original wet signatures of Bidder's Authorized Representative (the individual who is authorized to sign legally binding documents on behalf of Bidder's organization where such authorization has been decreed through organization's board resolution or other authorizing document (Authorization Warranty)) on each applicable form. Bidder shall also submit four (4) duplicate hardcopies of the bid, each of which shall also be secured in a 3-ring binder.

- 2.9.1.2 In addition to submitting the hardcopy bids, Bidder shall also submit two (2) electronic versions of the bid. Each of the two (2) electronic versions of the bid shall be a clearly legible and exact copy of the bid which shall be saved on a thumb drives, flash drives, etc. (i.e., submit two (2) thumb/flash drives, each containing the full bid). The electronic version of the bid shall be in the form of PDF/scanned documents; Word or Excel versions of these documents are not acceptable. It is imperative that Bidder ensures that the electronic version of the bid is an exact replica of the original hardcopy bid (i.e., no pages shall be missing or misplaced, etc.). Bidder shall also ensure that its storage medium (i.e., thumb drives, flash drives, etc.) is fully operational and is not corrupted. Bidder shall bear all responsibility when County uses/relies on the electronic versions of the bid to complete the evaluation process. When County determines that information or documentation is missing from the electronic version of the bid which County uses in the evaluation and that information is subsequently discovered in the hardcopy bid, County may at its sole discretion deem that the bid is non-responsive and reject it.
- 2.9.2 The bid shall be typed using 12 point Arial font and the hardcopies shall be printed on 8 ½" by 11" paper, with 1" margins on each side. Each narrative paragraph shall be single-spaced between each line and double-spaced between paragraphs. Include information in footers to identify each page; this information shall include Bidder's name, page number, and IFB title. Attachments such as charts, maps, reports, etc. that Bidder uses to address or support any narrative response do not need to be labeled with this footer information; however, each attachment shall be clearly labeled/identified.
- 2.9.3 Each Section and Subsection of the bid shall be tabbed and clearly identified in the table of contents and shall follow the order specified in Subparagraph 2.10 (Bid Format). All attachments must be inserted immediately after the Section/Subsection to which Bidder is responding. Each attachment shall be clearly labeled/identified.
- 2.9.4 All forms that are required to be submitted in the bid and require a signature, shall be signed by Bidder's Authorized Representative.
- 2.9.5 Any bid that deviates from the format prescribed in this Subparagraph 2.9 may be deemed as non-responsive and may be rejected without further review at County's sole discretion.

2.10 Bid Format

2.10.1 The content and sequence of the bid must be as follows:

2.10.1.1 Table of Contents

2.10.1.2 Section A (Pricing Sheet)

2.10.1.3 Section B (Bidder's Qualifications)

2.10.1.4 Section C (Required Forms)

2.10.1.5 Section D (Proof of Insurability)

2.10.1.6 Section E (Proof of Licenses)

2.10.1.7 Section F (Financial Capability)

2.10.2 Table of Contents

2.10.2.1 The Table of Contents must be a comprehensive and sequential listing of material included in the bid. This area must include a clear definition of the material, identified by sequential page numbers and by Section reference numbers.

2.10.3 Section A (Pricing Sheet)

2.10.3.1 Complete and submit the following forms as provided in Appendix D (Required Forms and Documentation), Part I (Required Forms) in Section A of the bid:

2.10.3.1.1 Exhibit 12 (Pricing Sheet)

2.10.3.1.2 Exhibit 13 (Certification of Independent Price Determination and Acknowledgement of Invitation for Bids Restrictions)

2.10.4 Section B (Bidder's Qualifications)

2.10.4.1 Bidder shall demonstrate that it has the experience to perform the required Program Services. Include the following in Section B of the bid: Subsections B.1 (Bidder's Background and Experience), B.2 (Required Support Documents), B.3 (Bidder's References), B.4 (Bidder's Pending or Threatening Litigation), and B.5 (Bidder's Judgment Action(s)).

2.10.4.2 Subsection B.1 (Bidder's Background and Experience)

2.10.4.2.1 Bidder shall complete, sign, date, and submit Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information) and its Authorization Warranty (which shall take the form of a current, valid, adopted/approved resolution, order, motion, or letter (on Bidder organization's official letterhead) from Bidder's governing body (e.g., Board of Directors, City Council, etc.)) in Subsection B.1 of the bid. By signing Exhibit 1, Authorized Representative warrants that he/she is authorized to sign on behalf of Bidder and to bind Bidder in the Subaward (if awarded). Such Authorization Warranty shall minimally include: a reference to this IFB; authorize submission of the bid on behalf of Bidder's organization in response to this IFB; and, indicate the person(s) who is authorized to sign the bid, bind Bidder to the Subaward (and any amendments or addendums thereto), if awarded, and approve and accept Subaward funds on behalf of Bidder's organization.

2.10.4.2.1.1. County will verify/validate Bidder's Authorization Warranty.

2.10.4.2.1.2. County will verify/validate Bidder's DUNS number.

2.10.4.2.2 Bidder shall provide relevant background information to demonstrate that Bidder meets each Minimum Requirement as stated in Subparagraph 1.4 (Bidder's Minimum Requirements), and as summarized in Subparagraphs 2.10.4.2.3 – 2.10.4.2.7, and has the capability to perform the required Services as a corporation, public/government entity, or joint powers

agency. Where indicated, provide a response to address the information being requested. Bidder's responses shall be included in Subsection B.1 of the bid.

2.10.4.2.3 Bidder shall not be debarred, or equivalent prohibition on doing business with Bidder, by any government agency. No response is needed from Bidder.

2.10.4.2.4 Bidder shall demonstrate that it has five (5) consecutive years of experience, obtained within the last seven (7) years (between 2011 – 2018), providing HICAP Services or services equivalent or substantially similar to the Program Services identified in Appendix B (Statement of Work). Provide responses to the following:

2.10.4.2.4.1. Number of years of experience providing HICAP or similar Services.

2.10.4.2.4.2. Time frame (month and year) during which the years of experience were attained (e.g., July 2012 – January 2017).

2.10.4.2.5 Bidder's organization shall be either a non-profit private corporation or public/government entity. Bidder's organizational business structure must be supported by the information identified in Subparagraph 2.10.4.3 (Subsection B.2 (Required Support Documents)). The information provided in Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information) and the support documents provided as part of Subsection B.2 will be reviewed by County to validate organization's business structure.

2.10.4.2.6 When Bidder's compliance with a County contract has been reviewed by the County of Los Angeles Auditor-Controller within the last ten (10) years, Bidder must not have unresolved disallowed costs identified by the County of Los Angeles Auditor-Controller, in an amount over \$100,000.00, that are confirmed to be disallowed costs by the contracting County department (WDACS), and remain unpaid for six (6) months or more from the date of disallowance, unless such disallowed costs are the subject of current good faith negotiations to resolve the disallowed costs, in the opinion of County. No response is needed from Bidder.

2.10.4.3 Subsection B.2 (Required Support Documents)

2.10.4.3.1 Taking into account the structure of Bidder's organization (as reflected in Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information)), Bidder shall determine which of the referenced supporting documents County requires. If Bidder's organization does not fit into one (1) of these categories, upon receipt of the bid or at some later time, County may, in its sole discretion, request additional documentation regarding Bidder's business organization and authority of individuals to sign the Subaward.

2.10.4.3.2 Bidder shall submit the required support documents identified in this Subparagraph 2.10.4.3 in Subsection B.2 of the bid. Bidder shall clearly label/identify each document. If the required support documents referenced herein are not available at the time of bid submission, Bidder must request the appropriate documents from the California Secretary of State (or its

equivalent office for the state in which Bidder's organization is incorporated/organized) and provide a statement describing the status of this request along with proof of submission of this request (written confirmation showing that Bidder has requested this information).

2.10.4.3.3 *Corporations:* Certificate of Good Standing (the most recent copy obtained within the last five (5) years as filed with the Secretary of State or equivalent office for the state in which Bidder's organization is incorporated/organized). Statement of Information (a conformed copy of the most recent filing submitted to the Secretary of State or equivalent office for the state in which Bidder's organization is incorporated/organized that is obtained within the last five (5) years), listing corporate officers, members, and managers).

2.10.4.3.4 *Public/Government Entity (Political Subdivision of the State):* Full text of the Charter, abbreviated Charter, or other record of similar import by an authorized public official of the jurisdiction under which the entity is organized. When providing the abbreviated Charter, such copy shall minimally include the cover page with entity's seal, and entity's name, governing/legal authority, and its nature and powers.

2.10.4.4 Subsection B.3 (Bidder's References)

2.10.4.4.1 Bidder shall provide three (3) references to substantiate its qualifications/experience by completing and submitting Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 2 (Bidder's References) in Subsection B.3 of the bid. These three (3) references must demonstrate that Bidder has provided the same or substantially similar scope of

Program Services. Each of the three (3) references shall be from separate contracts providing separate services. Bidder shall indicate a specific person who will be contacted by County as part of conducting the reference check. When providing information for any one (1) reference (i.e., organization, entity, firm, etc.), Bidder shall only use one (1) point of contact and one (1) contract for that reference. For example, when Bidder has one (1) contract with an entity, Bidder shall not utilize the same contract citing three (3) different contacts to meet the requirement for three (3) references. If Bidder has multiple contracts providing differing services with an entity, it may list separate contacts for each of the contracts. It is Bidder's sole responsibility to ensure that the reference's name and contact person's name, title, phone number, and e-mail address are accurate.

2.10.4.4.2 Bidder shall complete and submit Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 3 (Bidder's List of Contracts with Public Entities) in Subsection B.3 of the bid. Include all contracts with public/government entities for the past five (5) years (between 2013 – 2018).

2.10.4.4.3 Bidder shall complete and submit Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 4 (Bidder's List of Expired and Terminated Contracts) in Subsection B.3 of the bid. Provide responses to each item on this form and such responses shall address the information being requested. List all contracts that have either expired or have been terminated within the past five (5) years (between 2013 – 2018).

- 2.10.4.4.4 The same references may be listed on Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 2 (Bidder's References) and Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 3 (Bidder's List of Contracts with Public Entities) if the reference falls within both categories.
- 2.10.4.4.5 County reserves the option to contact references by telephone, mail, or e-mail to ascertain Bidder's qualifications, accountability, and fitness. In the event that County elects to call the references, County will contact Bidder's references during normal business hours.
- 2.10.4.4.6 County may disqualify Bidder as non-responsive and/or non-responsible (i.e., bid may be rejected) if any of the following occur: reference(s) fails to substantiate Bidder's description of the services it provided; reference(s) fails to support that Bidder has a continuing pattern of utilizing capable, productive, and skilled personnel; and, County is unable to reach the point of contact. County will make up to three (3) attempts to reach the point of contact. It is Bidder's responsibility to inform the point of contact of County's normal business hours during which County will conduct reference checks and to provide such contact a general timeframe during which County may attempt to reach him/her. Bidder may estimate that timeframe based on the final bid due date and time and the tentative date when the evaluations will be completed as noted in Subparagraph 2.4 (IFB Timetable). Bidder shall also inform its references that County may contact them by phone, mail, or e-mail and shall convey the importance of responding to County's request in the time and manner as designated by County.

2.10.4.5 Subsection B.4 (Bidder's Pending or Threatening Litigation)

2.10.4.5.1 Bidder shall provide a written statement indicating whether or not it has any pending or threatening litigation in which Bidder is and/or its principals are involved which have occurred within the past five (5) years (between 2013 – 2018). If Bidder does not have any such litigation actions, Bidder shall provide a written statement indicating that there are no such pending or threatening litigation actions involving Bidder and/or its principals within the past five (5) years (between 2013 – 2018). The written statement shall be provided in Subsection B.4 of the bid.

2.10.4.5.2 In the event that Bidder indicates that it has a pending or threatening litigation, Bidder shall provide the following information: name of the action, case number, brief summary of the case, court jurisdiction, and the size and scope of the action.

2.10.4.5.3 Notations such as “not applicable” or “n/a” are not a valid response and will be deemed as “non-responsive”. County may reject/disqualify the bid when such a determination is made.

2.10.4.6 Subsection B.5 (Bidder's Judgment Action(s))

2.10.4.6.1 Bidder shall provide a written statement indicating whether or not it has any judgment action(s) against Bidder and/or its principals which have occurred within the past five (5) years (between 2013 – 2018). If Bidder does not have any such judgment action(s), Bidder shall provide a written statement indicating that there are no such judgment action(s) against Bidder and/or its principals within the past five (5) years (between 2013 – 2018). The written statement shall be provided in Subsection B.5 of the bid.

2.10.4.6.2 In the event that Bidder indicates that it has a judgment action(s), Bidder shall provide the following information: name of the action, case number, brief summary of the case, and court jurisdiction.

2.10.4.6.3 Notations such as “not applicable” or “n/a” are not a valid response and will be deemed as “non-responsive”. County may reject/disqualify the bid when such a determination is made.

2.10.5 Section C (Required Forms and Documentation)

2.10.5.1 Bidder shall complete the Appendix D (Required Forms and Documentation), Part I (Required Forms) forms listed in Subparagraph 2.10.5.4 by providing responses to each item on these forms and such responses shall address the information being requested. When any requested information does not apply, Bidder shall respond to that item by indicating “Not Applicable” as its response. Bidder shall not leave any item blank/unanswered.

2.10.5.2 In the event that Bidder’s response to the information requested on these forms indicates non-compliance with County’s requirements, the bid may be disqualified for non-responsiveness and rejected at County’s sole discretion. For example, if Bidder’s response to any of the items noted on the certification in Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 8 (Bidder’s Equal Employment Opportunity Certification) is “No” then County may deem the bid to be non-responsive and it may be rejected.

2.10.5.3 Appendix D (Required Forms and Documentation), Part I (Required Forms), Budgets and Proposed Program Services (Exhibits 20-25) shall be completed accurately based on the requirements noted on each form and Appendix A (Sample Subaward). For **each** funding source, the total cost reported on Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 23 (Proposed Program Services for HICAP), Exhibit 24 (Proposed Program Services for HICAP MIPPA) and Exhibit 25 (Proposed Program Services for HICAP FA) and the grand total MASS

reported on Appendix D ((Required Forms and Documentation), Part I (Required Forms), Exhibit 20 (Proposed Budget for HICAP Services), Exhibit 21 (Proposed Budget for HICAP MIPPA Services) and Exhibit 22 (Proposed Budget for HICAP FA Services) shall match the estimated annual funding amount reflected in Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 12 (Pricing Sheet) and shall represent Bidder's agreement to perform the Program Services identified therein. All mandatory staffing positions shall be reflected on the applicable Appendix D ((Required Forms and Documentation), Part I (Required Forms), Exhibit 20 (Proposed Budget for HICAP Services), Exhibit 21 (Proposed Budget for HICAP MIPPA Services) and Exhibit 22 (Proposed Budget for HICAP FA Services).

2.10.5.4 Bidder shall submit all of the following completed forms in Section C of the bid in the order listed below:

2.10.5.4.1 Exhibit 5 (Certification of No Conflict of Interest)

2.10.5.4.2 Exhibit 6 (Familiarity with County's Lobbyist Ordinance Certification)

2.10.5.4.3 Exhibit 7 (Request for Preference Program Consideration)

2.10.5.4.4 Exhibit 8 (Bidder's Equal Employment Opportunity Certification)

2.10.5.4.5 Exhibit 9 (Attestation of Willingness to Consider GAIN/GROW Participants)

2.10.5.4.6 Exhibit 10 (County of Los Angeles Contractor Employee Jury Service Program Certification and Application for Exception)

2.10.5.4.7 Exhibit 11 (Charitable Contributions Certification)

2.10.5.4.8 Exhibit 14 (Certification of Compliance with County's Defaulted Property Tax Reduction Program)

2.10.5.4.9 Exhibit 15 (Compliance with County's Zero Tolerance Human Trafficking

Policy)

- 2.10.5.4.10 Exhibit 17 (Compliance with Fair Chance Employment Hiring Practices Certification)
- 2.10.5.4.11 Exhibit 18 (Proposed List of Lower Tier Subawards)
- 2.10.5.4.12 Exhibit 19 (Compliance with Data Encryption Requirements)
- 2.10.5.4.13 Exhibit 20 (Proposed Budget for HICAP Services)
- 2.10.5.4.14 Exhibit 21 (Proposed Budget for HICAP MIPPA Services)
- 2.10.5.4.15 Exhibit 22 (Proposed Budget for HICAP FA Services)
- 2.10.5.4.16 Exhibit 23 (Proposed Program Services for HICAP)
- 2.10.5.4.17 Exhibit 24 (Proposed Program Services for HICAP MIPPA)
- 2.10.5.4.18 Exhibit 25 (Proposed Program Services for HICAP FA)
- 2.10.5.4.19 Exhibit 26 (California Civil Rights Laws Certification)
- 2.10.5.4.20 Bidder's organizational documents as listed in Appendix D (Required Forms and Documentation), Part II (Required Documentation). Unless otherwise specified, these documents shall be current as of the final bid due date and time. For each document, place a tabbed sheet in front of it to identify the document.

2.10.5.5 Missing and/or incomplete forms and/or organizational documents may subject the bid to disqualification at County's sole determination.

2.10.6 Section D (Proof of Insurability)

- 2.10.6.1 Bidder must provide proof of insurability that meets all insurance requirements set forth in the Appendix A (Sample Subaward), Subparagraph 8.24 (General Provisions for All Insurance Coverage) and Subparagraph 8.25 (Insurance Coverage). If Bidder does not currently have the required coverage, a letter from a qualified insurance carrier indicating a willingness to provide the required coverage should Bidder be awarded the Subaward shall be submitted with the bid.

2.10.7 Section E (Proof of Licenses)

- 2.10.7.1 Bidder must furnish a current/valid copy of the California State Bar license for the Project Manager, Supervising Attorney, and each Staff Attorney and Volunteer Attorney who is reflected on the completed Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 20 (Proposed Budget for HICAP Services), Exhibit 21 (Proposed Budget for HICAP MIPPA Services) and Exhibit 22 (Proposed Budget for HICAP FA Services).

2.10.8 Section F (Financial Capability)

- 2.10.8.1 Bidder shall provide audited financial statements and/or single audit reports which reflect Bidder's most recent three (3) full Fiscal Years of financial activities. These financial documents shall reflect activities for Fiscal Year 2014-15, Fiscal Year 2015-16, and Fiscal Year 2016-17. These financial documents shall be prepared by a Certified Public Accountant and must provide an accurate, verifiable representation of the entire financial position of Bidder's organization. They will be used to determine Bidder's financial viability (i.e., County will conduct a financial capability evaluation of the documents submitted to meet this requirement). County may require additional financial information as part of this financial capability evaluation. Income Tax returns will not be acceptable to meet Bidder's financial capability requirement. At a minimum, these audited financial statements and/or single audits shall include the following:

- 2.10.8.1.1 Balance Sheet, Statement of Financial Position, or Statement of Net Assets,

including all supporting schedules (i.e., Current Assets, Current Liabilities, Detailed Aged Payables, Aged Receivables, Notes Payable, etc.)

2.10.8.1.2 Income Statement, Profit and Loss Statement, Statement of Operations, or Statement of Activities

2.10.8.1.3 Statement of Cash Flow

2.10.8.1.4 Retained Earnings (not applicable for public entities)

2.10.8.1.5 Independent Auditor's Opinion

2.10.8.1.6 Any notes to the Statements

2.10.8.2 Bidder shall provide copies of financial audit reports from other County departments for Fiscal Year 2014-15, Fiscal Year 2015-16, and Fiscal Year 2016-17, including all corrective action plans and corresponding resolutions, if applicable. If such financial audit reports have not been issued from any County department, Bidder shall provide a statement indicating such action.

2.10.8.3 If Bidder is a subsidiary of another company then Bidder shall also provide audited financial statements and/or single audits for Fiscal Year 2014-15, Fiscal Year 2015-16, and Fiscal Year 2016-17 for the ultimate parent company as well as for Bidder. Provision of the parent company's financial information does not by itself satisfy the requirement for the provision of Bidder's financial information. In addition, the financial capability of the parent company cannot be substituted for Bidder's financial capability unless Bidder provides evidence that its parent company agrees to sign a parental guarantee; Bidder shall submit this evidence with its bid. If Bidder is not a subsidiary of another company, Bidder shall provide a statement indicating such position.

2.10.8.4 Bidder shall submit its audited financial statements, the financial audit report from other County departments (if applicable), and financial statements from its parent company (if applicable) as part of Section F of the bid.

2.11 Bid Submission

- 2.11.1 A complete bid is one that includes the original hardcopy bid, four (4) duplicate hardcopies of the bid, and two (2) electronic versions of the bid (stored on thumb drives, flash drives, etc.). No facsimile (fax) or electronic mail (e-mail) copies will be accepted. This complete bid shall be enclosed in a sealed envelope or box, plainly marked in the upper left-hand corner with Bidder's name and address, and shall bear the following words:

Bid for Health Insurance Counseling and Advocacy Program
Services

IFB Number AAA-HICAP-1920 IFB

- 2.11.2 At any time prior to the final bid due date and time, Bidder may submit its bid during County's normal business hours (Monday through Friday, during the hours of 8:00 a.m. to 5:00 p.m., not including County recognized holidays). On the final bid due date, the bid shall be submitted (i.e., must be received by County) no later than the time indicated in Subparagraph 2.4 (IFB Timetable). The bid shall be submitted by mail or hand-delivered to:

County of Los Angeles

Workforce Development, Aging and Community Services

Contracts Management Division

Attention: AAA-HICAP-1920 IFB

3175 West 6th Street

Los Angeles, CA 90020-1708

- 2.11.3 It is the sole responsibility of Bidder to ensure that its bid is received no later than the final bid due date and time. Bidder shall bear all risks associated with delays in delivery by any person or entity, including the United States postal service. Any bid received after the final bid due date and time will not be accepted and will be returned unopened to Bidder or Bidder's agent. Timely hand-delivered bids are acceptable. No facsimile (fax) or electronic mail (e-mail) bids will be accepted.

- 2.11.4 When Bidder or Bidder's agent delivers the bid in a sealed envelope or box, County will receive the bid in the condition in which it is delivered (i.e., County will not open the sealed envelope/box until after the final bid due date and time have elapsed). County will provide Bidder or Bidder's agent a receipt as evidence that the bid is received by the final bid due date and time.

In the event that Bidder elects to re-submit its bid pursuant to the requirements outlined in Subparagraph 2.12 (Firm Offer/Withdrawal of Bid), County shall issue a new receipt for the resubmitted bid and the prior receipt shall be void.

2.11.5 If Bidder does not submit the required number of bids (both hardcopies and electronic versions) as stated in this Subparagraph 2.11 then County (at its sole discretion) may deem Bidder's submission as non-responsive, which may result in the bid being disqualified from further consideration/review (i.e., the bid may be rejected).

2.12 Firm Offer/Withdrawal of Bid

2.12.1 The bid shall be a firm and final offer, and may not be withdrawn for a period of two hundred seventy (270) days following the final bid due date and time.

2.12.2 Until the final bid due date and time, Bidder may correct errors in its bid by submitting another complete bid (one (1) original hardcopy, four (4) duplicate hardcopies, and two (2) electronic versions) with the mistakes corrected. Bidder shall provide a written statement signed by its Authorized Representative indicating its intent to withdraw its original bid and re-submit a revised bid. Bidder shall include this written/signed statement when submitting the revised/corrected bid. Revised bids will not be accepted once the deadline for submission of bids has passed.

3.0 BID REVIEW AND SELECTION PROCESS

3.1 Review of Lowest Cost Bid

3.1.1 The review process will begin with an examination of Bidder's Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 12 (Pricing Sheet) in order to determine the lowest price (i.e., lowest cost bid), lowest cost bid, where the lowest cost bid reflects the lowest cost per unduplicated Client as indicated on the form. For purposes of this review, a maximum of 5,000 points will be awarded to the lowest cost bid. All other bids will be compared to the bid with the lowest cost per unduplicated Client, and points will be awarded to the other bids in proportion to the bid with the lowest cost per unduplicated Client. However, should one or more Bidders request and be granted the Local Small Business Enterprise Preference, Social Enterprise Preference, or Disabled Veteran Business Enterprise Preference, the lowest cost per unduplicated Client will be determined as follows:

- 3.1.1.1 Fifteen percent (15%) of the lowest cost per unduplicated Client reflected in Appendix D (Required Forms and Documentation), Part I (Required Forms), Exhibit 12 (Pricing Sheet) will be calculated in order to determine the Preference Amount. The Preference Amount will be deducted from the cost per unduplicated Client amount for all Bidders who requested and were granted a Preference. This would effectively decrease the cost per unduplicated Client for Bidder who qualifies to receive the Preference (only for purposes of determining the lowest cost bid).
 - 3.1.1.2 In no case shall any Preference be combined to exceed fifteen percent (15%) of the cost per unduplicated Client for Bidder who meets the specifications for the Preference (i.e., when Bidder requests and is certified under more than one (1) of the Preference Programs, only one (1) Preference of fifteen percent (15%) will be applied to the bid).
 - 3.1.2 The bid that receives the highest total score of 5,000 points shall be determined to be the lowest cost bid. Once the lowest cost bid has been determined, it will be reviewed to further determine whether Bidder meets the Minimum Requirements, and is responsive and responsible. These steps will be performed until County determines which is the lowest cost and most responsive and responsible bid.
- 3.2 Review of Minimum Requirements (Pass/Fail Review)
 - 3.2.1 Once the lowest cost bid has been determined, County shall review the documentation and information submitted in Subsection B.1 (Bidder's Background and Experience) and Subsection B.2 (Required Support Documents) of the bid, which include: Appendix D (Required Forms and Documentation), Exhibit 1 (Bidder's Organization Questionnaire, Affidavit, and Community Business Enterprise Information); Bidder's background and experience information; and, Bidder's support documents. Based on this review, County will determine whether Bidder meets the Minimum Requirements.
 - 3.2.2 Failure of Bidder to comply with the Minimum Requirements may eliminate its bid from any further consideration. County reserves the right to waive inconsequential disparities or any informalities in a bid if the sum and substance of the bid is present.

3.3 Review of Bidder's Qualifications

3.3.1 County's review shall include the following:

3.3.1.1 Bidder's references as provided in Subsection B.3 (Bidder's References) of the bid. The review will include verification of references submitted, a review of County's Contract Database, Contractor Alert Reporting Database (CARD), if applicable, reflecting past performance history on County contracts, and a review of terminated contracts.

3.3.1.2 A review to determine the magnitude of any pending/threatening litigation or judgment action(s) against Bidder as provided in Subsection B.4 (Bidder's Pending or Threatening Litigation) and Subsection B.5 (Bidder's Judgment Action(s)) of the bid.

3.4 Review of Required Forms

3.4.1 County shall review Bidder's forms as provided in Section C (Required Forms and Documentation) of the bid.

3.5 Review of Proof of Insurability

3.5.1 County shall review Bidder's proof of insurability as provided in Section D (Proof of Insurability) of the bid.

3.6 Review of Proof of Licenses

3.6.1 County shall review Bidder's proof of licenses as provided in Section E (Proof of Licenses) of the bid.

3.7 Review of Financial Capability

3.7.1 County shall review Bidder's financial capability as provided in Section F (Financial Capability) of the bid.

3.8 Composition of Bid Review Team/Committee

3.8.1 Review of the bids will be completed by subject matter experts using the evaluation approach described herein. This may include individuals in various areas including but not limited to contract development, program/planning operations, finance/accounting, and/or monitoring/compliance operations. County will make every attempt to utilize the services of appropriate subject matter experts to assist in this process.

3.9 Clarification of Bid Elements

- 3.9.1 County may, at its sole option, contact Bidder for clarification of submitted information.

3.10 Disqualification Review

- 3.10.1 A bid may be disqualified from consideration when County determines it is a non-responsive bid at any time during the evaluation process. If County determines that a bid is disqualified due to non-responsiveness, County shall notify Bidder in writing.
- 3.10.2 Upon receipt of the written determination of non-responsiveness, Bidder may submit a written request for a Disqualification Review within the timeframe specified in County's written determination.
- 3.10.3 A request for a Disqualification Review may, in County's sole discretion, be denied if the request does not satisfy all of the following criteria:
 - 3.10.3.1 The person or entity requesting a Disqualification Review is a Bidder.
 - 3.10.3.2 The request for a Disqualification Review is submitted timely (i.e., by the date and time specified in the written determination).
 - 3.10.3.3 The request for a Disqualification Review asserts that County's determination of disqualification due to non-responsiveness was erroneous (e.g. factual errors, etc.) and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.
- 3.10.4 The Disqualification Review shall be completed and the determination shall be provided to the requesting Bidder, in writing, prior to the conclusion of the evaluation process.
- 3.10.5 If Bidder is not satisfied with the results of the Disqualification Review, County will inform disqualified Bidder of its right to request a Proposed Contractor Selection Review. County will provide non-selected Bidder a copy of the Notice of Intent to Request a Proposed Contractor Selection Review form and will instruct non-selected Bidder on the procedures to complete and submit the form to County within the designated timeframe.

3.11 Proposed Contractor Selection Review

- 3.11.1 Any Bidder that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review (as described in Subparagraph 3.10.5) may submit a written request for a Proposed Contractor Selection Review, in the manner and timeframe as shall be specified by County.
- 3.11.2 A request for a Proposed Contractor Selection Review may, in County's sole discretion, be denied if the request does not satisfy all of the following criteria:
 - 3.11.2.1 The person or entity requesting a Proposed Contractor Selection Review is a Bidder.
 - 3.11.2.2 The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by County).
 - 3.11.2.3 The person or entity requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:
 - 3.11.2.3.1 County materially failed to follow procedures specified in its solicitation document, including: failure to correctly apply the standards for reviewing the bid format requirements; failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the bids as specified in the solicitation document; or use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
 - 3.11.2.3.2 County made identifiable mathematical or other errors in evaluating bids, resulting in Bidder receiving an incorrect score and not being selected as the recommended Subrecipient.
 - 3.11.2.3.3 Another basis for review as provided by State or Federal law.
 - 3.11.2.4 The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the department's alleged failure, Bidder would

have been the lowest cost and most responsive and responsible bid or the highest-scored bid, as the case may be.

- 3.11.3 Upon completing the Proposed Contractor Selection Review, County shall issue a written decision to Bidder within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the Subaward recommendation is to be heard by the Board of Supervisors. The written decision shall additionally instruct Bidder of the manner and timeframe for requesting a County Independent Review.

3.12 County Independent Review

- 3.12.1 Bidder that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for a County Independent Review in the manner and timeframe specified by County in County's written decision regarding the Proposed Contractor Selection Review.
- 3.12.2 The request for a County Independent Review may, in County's sole discretion, be denied if the request does not satisfy all of the following criteria:
 - 3.12.2.1 The person or entity requesting the County Independent Review is a Bidder.
 - 3.12.2.2 The request for a County Independent Review is submitted timely (i.e., by the date and time specified by County).
 - 3.12.2.3 The person or entity requesting the County Independent Review has limited the request to items raised in the Proposed Contractor Selection Review and new items that arise from County's written decision and are based on the appropriate grounds for requesting a Proposed Contractor Selection Review as listed in Subsection 3.11 (Proposed Contractor Selection Review).
- 3.12.3 Upon completion of the County Independent Review, County will provide a copy of the final written determination to Bidder.